

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1740 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed  
to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy  
of the judgement? No

4. Whether this case involves a substantial question  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?  
No

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MITESHKUMAR VINODKUMAR

Versus

REGIONAL PASSPORT OFFICER

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Appearance:

MR DC DAVE for Petitioner

MS PROMILA SAFAYA for Respondent

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CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 25/02/97

ORAL JUDGEMENT

Rule. Ms. Promila Safaya, learned Standing  
Counsel for Central Government waives service of notice  
of rule on behalf of the respondent.

At the request of learned Advocates appearing for  
the parties, the petition is heard today.

The petitioner has prayed to issue writ of  
mandamus or any other appropriate writ, order or

direction commanding the respondent to grant passport in favour of the petitioner indicating Anand as place of birth of the petitioner in this petition which is filed under Article 226 of the Constitution.

Pursuant to application made by the petitioner, passport was granted to the petitioner on October 1, 1985 which was valid upto September 30, 1990. Thereafter validity period of the passport was extended upto September 30, 1995. The case of the petitioner is that his place of birth is Anand and not Borsad as was mentioned in the earlier passport. On November 8, 1996 the petitioner applied for passport. The petitioner also prayed that his place of birth should be shown to be Anand instead of Borsad. The request made by the petitioner is not accepted by the respondent. Under the circumstances, the petitioner has filed present petition and claimed relief to which reference is made earlier.

The petitioner has produced Birth Certificate issued by competent authority under the provisions of Births and Deaths Registration Act, 1969 in support of claim advanced in the petition. That certificate shows that place of birth of the petitioner is Anand. The genuineness of the document produced by the petitioner at Annexure-A is not in dispute. Therefore, case pleaded by the petitioner that his place of birth is Anand deserves to be accepted.

For the foregoing reasons, following direction is given. The respondent is directed to act upon Annexure-A and show place of birth of the petitioner as Anand in the passport to be issued to the petitioner pursuant to application dated November 8, 1996. Rule is made absolute accordingly, with no order as to costs. Direct Service is permitted.